

LOUIS F. POST AND THE PRACTICE OF LAW, 1870-1922

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Louis Freeland Post (b. 1849) is best known in scholarly as well as popular literature for his actions while he was the Assistant Secretary of Labor during the Red Scare of 1920. However, his earlier professional life was much less sanguine. Post vacillated for years between spotty editorial work and a declining law practice. His founding and editing *The Public* of Chicago (1898-1912) and his serving in the just formed Labor Department (1913-1921) did not diminish his anxieties. The cost of his earlier tribulations in the legal sphere was a gradual descent into depression.¹

In 1867, Post's father arranged for him to read law in New York. Although Thomas, Glassey, and Blake may not have been among the most prominent attorneys, theirs was still a good-sized firm. Post began at five dollars a week and gradually advanced to fifteen. Three years later, he passed the bar examination without difficulty.²

Law offices in the late 1860s were not much changed from those of the early nineteenth century. Transactions between businesses were still relatively simple and without government regulation, so businessmen usually sought the help of an attorney only when a court appearance was required in order to assert or defend a claim regarding questionable performance on a contract.³

Law firms with two or more partners usually had a separate room for each plus two or three rooms for the "clerks." Post and the others studied Blackstone, Kent, and especially the New York *Codes* of civil and criminal procedure. Everything had to be written and copied by hand, except for the printed briefs that were sent to higher courts. When several copies were needed, either a lawyer or a clerk read the document aloud paragraph by paragraph while the others transcribed the dictation.⁴

Since legislative as well as judicial proceedings were recorded in this fashion, the study of law was sometimes accompanied by stenographic training. An "official court stenographer" in New York, Post observed, had "opportunities for distinction." Although most official stenographers had passed the bar, they had much less prestige than the lawyers who appeared in court or sat in the legislature.⁵

In addition to his work at the law firm during the day, Post studied "phonography" (shorthand) with an expert, James E. Munson. Post joined a new professional organization,

¹ E.g., Matthew Guringlia, "Wrench in the Deportation Machine: Louis F. Post's Objection to Mechanized Red Scare Bureaucracy," *Journal of American Ethnic History*, XXXVIII, No. 1 (Fall 2018), 62-77; Adam Hochschild, "When America Tried to Deport Its Radicals," *The New Yorker*, November 11, 2019.

² Louis F. Post, "Living a Long Life Over Again," 26, Post Papers, LC, 74-75, 78.

³ Walter K. Earle, *Mr. Shearman and Mr. Sterling and How They Grew: Being Annals of Their Law Firm, with Biographical and Historical Highlights* (New York, 1963), 25-29, 34-37, 41.

⁴ Post, "Life," 74; Earle, *Shearman*, 3-8, 23-29.

⁵ Post, "Life," 14.

the Phonographic Society of New York, became its librarian, and edited its newsletter for nearly two years.⁶

Soon after he obtained his license in 1870, Post was given an informal test of his phonographic skills by Edward Fitch Underhill, Jr., an expert court stenographer and the husband of Mary Post, his father's sister. Uncle Ed was known for his pamphlet issued by the Phonographic Institute in 1865; it described "scientific" advances in technique. Sir Isaac Pitman had developed in the 1850's a phonetic approach to recording speech; Benjamin "Benn" Pitman had helped his brother develop the system and, to promote its use in America, had established the Phonographic Institute in Cincinnati. Underhill offered Post the chance to work with him and Benn Pitman in the Reconstruction Government of South Carolina.⁷

Post looked forward to the challenge, for he imagined South Carolina to be a kind of tropical paradise lush with citrus and palm trees. He went south in the same spirit as other young men who journeyed to the frontier: he sought greater economic opportunity in his twin careers of law and stenography and expected to become a useful citizen in his new surroundings. Just as important, Post was hired at \$1,500 a year, substantially more than he had earned before.

Post reported to Major David T. Corbin, a graduate of Dartmouth. Corbin was appointed to three terms of four years each as the United States Attorney for the Judicial District of South Carolina. He was also a state senator at the time that Post worked for him.⁸

As a member of Corbin's staff, Post recorded testimony in the Ku Klux Klan trials in Columbia during the winter of 1871-1872. The federal and state printers both published the stenographer's transcription of the *Proceedings*. Besides attending court, Post acted as secretary to three state legislative committees and was appointed Commissioner of Deeds for South Carolina. These duties enabled Post to observe and form opinions about the difficulties facing those who would reconstruct the South.⁹

Post also worked in Corbin's law office in Charleston where he helped codify South Carolina's laws. Corbin and Post, as well as legal teams in other southern states, used the New York *Codes* as a model for their compilations¹⁰

While in Columbia, Post expanded his journalistic efforts by reporting his impressions of the trials, those he "shorthanded" each day. His newsletters appeared not

⁶ Stuart Portner, "Louis F. Post: His Life and Times," (Ph.D. Dissertation, University of Michigan, 1940), 15, cites Brooklyn *Evening Union*, April 9, 1869.

⁷ Post, "Life," 78.

Benn Pittman had gained attention by recording and publishing in 1865 the testimony in *The Assassination of Abraham Lincoln and the Trial of the Conspirators ...* (Cincinnati: Moore, Wilstach, & Baldwin, 1865).

⁸ Post, "Life," 78.

Corbin actually served only from 1867 to 1877; his third term was cut short when he was elected to the U. S. Senate by the South Carolina legislature. However, the state's Reconstruction Government was overturned before he could be seated.

⁹ *Proceedings in the Ku Klux Klan Trials at Columbia, S.C., in the U. S. Circuit Court, November, 1871*, transcribed and edited by Louis F. Post (Columbia, S. C., 1872); *Testimony for the Prosecution in the Case of United States Versus Robert Hayes Mitchell, Printed in the Reporting Style of Phonography . . .*, reported by Louis F. Post (Cincinnati: The Phonographic Institute, 1913).

¹⁰ Earle, *Shearman*, 3, 28-29; Portner, "Post," 19 cites John S. Reynolds, *Reconstruction in South Carolina*, 118-19.

only in the Hackettstown *Gazette*, but also in Horace Greeley's New York *Tribune*, for Post had become a "silent-partner" of that journal's correspondent in Columbia. In the 1920s, Post shared his recollections, at the invitation of his friend Carter G. Woodson, with readers of the *Journal Of Negro History*.¹¹

Here was a pattern that he would follow throughout his life: play a minor role in an event of national significance and then publish an account of the episode. Publishers would reject his memoir because the most engaging chapters had already appeared in print. The manuscript serves, just as Post indicated in the preface, as a guide and supplement to his publications and papers.¹²

Post's temporary stenographic and legal work provided a unique experience and his first opportunity to travel beyond New Jersey and New York. Chances for his continued employment and ultimate financial success in the South appeared to be strong in July 1871 when he married Anna Johnson in Hackettstown. They had met in 1865 while skating on a pond near Vienna. She was a daughter of George W. Johnson, a merchant and leading citizen of Hackettstown.

Polite society in South Carolina shunned the newlyweds. The bride, without the social contacts to which she had become accustomed in the best circles of Warren County, was miserable in the South. After learning at first hand about the treatment accorded carpetbaggers, neither wished to remain once the KKK trials ended.¹³

Upon their return in 1872 to New York City, Looie and Anna moved into a boarding house; he opened an office of sorts at 21 Park Row. He soon closed it and formed a partnership with another struggling attorney at 167 Broadway. To members of established firms, their endeavor was easily dismissed as being, in the language of the day, a "small-bit practice" without clerks and a backlog of cases or list of satisfied clients that would carry them through bad times.¹⁴

It is remarkable that he used savings from his work in South Carolina to start a new office and did not look for a secure, but less challenging, position as a senior clerk with a financially strong firm. Post may have remembered his first three years of drudgery in a law office. However, Grover Cleveland was not alone in cautioning young attorneys, "No one should enter this profession who is not prepared to do very, hard, continuous and often irksome work." Post surely had the recommendation of the partners at Thomas, Glassey, and Blake. If his former employers had no place for him, they could have helped him find one in another firm. In Post's time, reading law to pass the bar was still the custom, so he was not unduly handicapped by having never attended a law school. Changes in the licensing laws to raise the educational standard would begin later.¹⁵

¹¹ Post, "Life," 79-148 (removed by Post from "A Carpetbagger in South Carolina," *Journal of Negro History*, X (January 1925], 10-79).

Underhill had once worked for Greely's *Tribune* and thereafter the two remained good friends.

¹² Post, "Life," 4.

¹³ Post, "Life," 70, 79-82; John Harold Nunn, *The Story of Hackettstown, New Jersey, 1754-1955* (Hackettstown, NJ: Hackettstown National Bank, 1955), 49,51,53,57, 60, 149.

¹⁴ Post, "Life," 149; Earle, *Shearman*, 4, 23, 40.

In New York City, there were at least 275 attorneys, most practicing in firms with two or three partners. The Edward W. Bok Syndicate feature, "What Makes a Lawyer?" appeared in such papers as the Sandusky, OH *Daily Register*, February 24, 1891, 2-3 and the Lexington, KY *Kentucky Leader*, February 22, 1891, 3.

¹⁵ James Willard Hurst, *The Growth of American Law: The Law Makers* (Boston: Little, Brown, 1950), 276-77.

He shared with many neophytes what one chronicler of the profession called “an unresolved urge to get on, with only a partly articulate and partly practiced sense of social obligation” commensurate with their meager net worth. In their overblown estimates of their potential and in blatant disregard of their anemic financial resources, they were “predominantly upper-middle class.”¹⁶

It appears Post's fine work in South Carolina, together with his longstanding anticipation of great personal accomplishment, had caused him to become overconfident regarding his chance of success as an independent practitioner. He did not seem to recognize, let alone possess, the skills of a successful entrepreneur. He later acknowledged his mistake: “As a young and inefficient lawyer, [I had] tried to get clients where clients were scarce and where fees were scarcer than clients, until the meager surplus from hard stenographic work, [which I had] brought up from South Carolina was nearly gone, and not from riotous living.”¹⁷

Meanwhile, the Posts' first child was stillborn and the only other, Charles Johnson Post, arrived a year later in 1873. Just when their expenses were increasing, the business community experienced a sudden economic downturn and his income no longer met the needs of his small family. Shaken by impending failure, he cast about for a more stable position.¹⁸

Post had one relative who was an influential Republican in New York City and in the national party. John Isaacs Davenport was married to Louise Post, his father's other sister. Looie had been a loyal worker in the Republican Party since leaving the South and by the standards of the day should have been rewarded by an appropriate political appointment.¹⁹

Years later, he would recall that he naively based his application on merit rather than on patronage when he requested a job of Uncle John. The title Post received was as impressive as his duties were important: “Second Assistant District Attorney of the United States for the Southern District of New York in the Criminal Department.”²⁰

More than the title, the Second Assistant District Attorney needed the annual income of \$1,200, which was later raised to \$1,500. Even then, the family was solvent only four times a year, since his salary was paid quarterly. Post would later denigrate the job by calling it “not much more than a clerkship” in the old sense, but soon he was making valuable court appearances while improving his standing among Republicans. For instance, he represented in January 1874 a slate of fellow contestants from the Fifteenth Assembly District for seats on the Republican Central Committee. Post and the others claimed votes of non-residents as well as some Democrats accounted for their opponents' victory. Since his career in law and politics continued to progress, he no longer practiced shorthand.²¹

¹⁶ Hurst, *Law Makers*, 254.

¹⁷ Post, “Life,” 165.

¹⁸ Post, “Life,” 149.

¹⁹ “The Death of Amzi B. Davenport,” Brooklyn, NY *Daily Eagle*, August 25, 1894, 10; *The New England Historical and Genealogical Register: Proceedings . . . January, 10, 1900*, (Boston: The Society, 1900), lvi-lviii; Amzi Benedict Davenport, *A Supplement to the History and Genealogy of the Davenport Family* (Stamford, CT: Davenport Family, 1876).

²⁰ Post, “Life,” 27, 149-50, 167.

²¹ Post, “Life,” 149; *NY Times*, January 31, 1874.

The Committee on Contested Seats listened patiently to Post's witnesses and adjourned *sine die*.

Post was especially proud to be chosen at the age of twenty-five for a perfunctory role in local politics. He chaired a district meeting called to select the party's candidate for Congress. Yet Post, unable to decide between equally undesirable alternatives, stalled when the party boss instructed him to throw the nomination to a particular candidate. His predicament was obvious; if he refused to follow orders, he would lose not only his new rank within the party, but his employment as well.²²

Post finally did the loathsome thing and managed the convention as he had been directed. In his memoir, Post observed that his remorse for his act of "moral cowardice" was much worse than the "degrading poverty" that he would soon experience.²³

Troubled over the next six months by his acquiescence, Post abandoned the chairmanship and his position in the district attorney's office. He left the Republican Party in disgust and entered on a round of third party activity. Post's leaving the security of a career in government was the first indication, in matters of conscience, he would likely choose what he thought was the principled course of action regardless of the consequences.²⁴

After reviewing the possibilities, Post returned to the practice of law. Even if he had maintained his considerable stenographic skills, he was too proud to step back from arguing cases in court to recording them. He formed a new partnership with James B. Lockwood and stayed with Lockwood & Post from 1875 to 1880.

His identification with the labor movement brought him some business, for Post became the attorney for the just-formed Central Labor Union (C.L.U.) of New York City. It was then a loose federation of fourteen individual unions whose 70,000 members were chiefly Irish Catholic, Bohemian, and German Protestant immigrants. They sympathized with the agrarian and labor oriented protests—the "pay no rent" campaign against semi-feudal practices of landlords—then taking place in Ireland. Some of the leaders of the C.L.U. were German-speaking socialists who were generally more radical in their outlook than the wage earners that they sought to represent. But the socialists themselves could not agree on the effectiveness of such tactics as "boring from within" labor organizations like the C.L.U. and its member unions, forming a separate political party, and, the most dramatic but least popular option, resorting to violence.²⁵

During his partnership with Lockwood, young Post sometimes assisted experienced attorneys; one of these was Abram Jesse Dittenhoefer. Dittenhoefer stood out before the Civil War in New York City, a Democratic stronghold, because of his Jewish ancestry as well as his strong anti-slavery views. Given these attributes, his father thought the only prudent action was to join the party in control. There were Jews on both sides of the slavery issue, but merchants, clothing manufacturers, and their employees knew their economic ties with the South would be ruined by war. Most preferred stoic neutrality to political activism. Dittenhoefer risked advancement in both society and business when he became in 1860 a campaign worker for and friend of Abraham Lincoln.

²² "Local Politics, The Republican Primary Elections," *NY Times*, October 13, 1874.

²³ Post, "Life," 168-69, 175-84.

²⁴ Post, "Life," 185-86.

²⁵ Post, "Life," 194, "John S. Crosby—A Reminiscence," *The Public*, XVII (March 13, 1914), 245, and "The Coming revolution," *Voice of the People* (New York), January 7, 1883. Peter A. Speck, "The Single Tax and the Labor Movement" (Ph. D. dissertation), *The Bulletin of the University of Wisconsin*, VIII (1914-17), 270-74; Ira Kipnis, *The American Socialist Movement, 1897-1912* (New York: Columbia University Press, 1952; reprint, Westport CT: Greenwood Press, 1968), 6-11.

Around the time Post knew him in the 1870s, Dittenhoefer was president of the German Republican Central Committee in New York City. In spite of his long service to the party, he ultimately lost his position amid charges by an opposing faction that he had “shown too much selfishness” by advancing his own political interests and that “he was not really a German,” since he was born in the United States.²⁶

Dittenhoefer’s practice ranged from quirky cases involving disputes that might terminate in alleged assaults to lead counsel for several major banks. He was also an expert in copyright law as it related to theatrical productions. His interest in the theater arts was more than pecuniary; he founded the “Actor’s Fund” and served *pro bono* as the charity’s attorney. One of his clients, Joseph “Josh” Hart, had once owned the Theatre Comique and now owned and managed the Eagle Theatre. Charges of plagiarism were not uncommon because there was a temptation to present thinly disguised characters and plots based on financially successful works, rather than to commission original material. In 1875, Post researched and Ambrose Purdy, then in private practice, argued one such case in defense of Hart. Dittenhoefer may have first heard about Post’s abilities from Purdy.²⁷

The proceedings from February through May were followed closely by the daily press, which recognized Post for his painstaking comparison of the plots and dialogues. The judge’s initial “decision, which did not touch the merits of the case, was unsatisfactory to both parties.” The controversy expanded when Hart sued for defamation, apparently over the words used against him by his antagonist: “pirate, pickpocket, and thief.” In March, the *Commercial Advertiser* featured Post’s resignation letters to the District Attorney and the Republican Party. This burst of publicity highlighted Post’s expertise and caught the attention of producers as well as theater owners. Post thereafter also attempted to specialize in copyright law by drawing on contacts that he made in the theatrical world.²⁸

He regularly attended the theater and found legal work related to it to be more satisfying than his activities in the criminal department of the district attorney’s office. Post argued several cases involving the stage rights to plays well known at the time, but long since forgotten. He traveled on occasion to Baltimore, Milwaukee, Indianapolis, Minneapolis, Chicago, and Pittsburgh as his proficiency became better known. Beyond

²⁶ Howard B. Rock, “Upheaval, Innovation, and Transformation: New York City Jews and the Civil War,” *American Jewish Archives Journal*, (PDF version, accessed July 11, 2020), 1-26; Jay Henry Mowbray, ed., *Representative Men of New York: A Record of Their Achievements* (New York Press, 1898), I, 55; *Coney Island and the Jews* (New York: G.W. Carleston, 1879); *Proceedings of the Republican National Convention Held at Cincinnati, Ohio, June 14, 15, and 16, 1876* (Concord, NH: Republican Press Assn., 1876), 21; “The German Republican Quarrel,” *NY Tribune*, January 18, 1880, 12; “Judge Dittenhoefer Dies of Hemorrhage,” *NY Times*, February 24, 1919; Abraham J. Dittenhoefer, *How We Elected Lincoln*, (New York: Harper Brothers, 1916).

Following his interim appointment to the municipal bench, he was addressed as “Judge Dittenhoefer.” In 1876, Dittenhoefer was a delegate from New York to the Republican Convention.

²⁷ “The Hart-Boucicault Quarrel,” *NY Sun*, May 18, 1875, 1.

Collecting fees for services rendered to clients involved in the performing arts was sometimes difficult; Post eventually represented Hart during the latter’s bankruptcy.

²⁸ Post, “Life,” 151; *NY Times*, February 7, 10, 13, 14, 17, and 24, March 7, and 18 May 1875; clippings, *NY Herald*, February 7 and March 2, 1875, and *NY Commercial Advertiser*, March 31, 1875, Post Papers, LC.

these activities, most of his energy was spent on routine criminal work. Too many cases were of the kind that filled his time rather than his pocketbook.²⁹

His association with Dittenhoefer led to Post's only appearance before the U.S. Supreme Court. It is unclear as to what Post contributed in 1876 to the defense of A. Orlando Jackson, a well-known gambler in New York City. Dittenhoefer alone represented Jackson when he lost his appeal at the District Court, but the defense team in Washington, D.C. was listed as "Mr. A.J. Dittenhoefer and Mr. Louis F. Post" in both the Court's record and in an account published in the *New York Times*.³⁰

At issue in the appeals, was the constitutional authority of Congress in banning from the U.S. mail certain matter it found objectionable. In this case Jackson mailed a circular advertisement promoting a lottery in a state, Kentucky, where this pastime was legal. Dittenhoefer and Post contended the First Amendment ought to be interpreted currently as it was understood at the time of ratification. Since there were no lotteries then, Congress could not ban such material in 1876 under the federal "Comstock law" of 1873, as amended. The Court rejected this reasoning and pointed out Congress was not banning distribution by any and all means, just via U.S. mail. Other modes of conveyance were available, including delivery by express, so freedom of speech was not an issue. While the Post Office could not legally open sealed mail, items could be banned, should a recipient open an envelope and discover material forbidden by the "Comstock law."

Louis no longer expected to accumulate wealth and bask in the recognition that might accompany it. He was concerned because his practice barely supported his family. All the while, Post became increasingly disenchanted with a system that paid more attention to legal precedent than to eternal principles. Looking back in his old age at "Lawyers' Ethics," he would ask:

. . . Are there any? There used to be. But did they not pass away when the legal profession [in the 1860s and 1870s] was swallowed up by business? . . . In place of its old-time ethics, the legal profession has substituted the ethics of business custom.³¹

In December 1879, Post drifted from his law office to the editorial rooms of a sensational new penny daily confidently named *Truth*, after London's famous newspaper. Post would later believe that the title was "more or less appropriate." Frank Luther Mott in his survey of *American Journalism* observed, "*Truth* was a labor organ which began well and ended badly" in 1884. Post was associated with the paper during its better years, such as they were.³²

"Josh" Hart agreed to advance more than half the \$2,500 needed to launch the venture, and hired Dittenhoefer and Post to handle just the legal arrangements. A portion of their compensation may have been stock in the new corporation, for Post claimed later that he was "an editorial writer and part owner." Some on the staff left early one night, in Post's words, "for more bohemian uses of their time than writing flimsy editorials" and management invited Post to fill in. Even though he had published nothing since the

²⁹ Post, "Life," 151; "The Ring Suits," *NY Times*, November 16, 1875; "Hart Suit Against Anna Dickinson," *NY Times*, May 15, 1877; clipping, *Baltimore Sunday News*, February 24, 1878, Post Papers, LC.

³⁰ *Ex parte Jackson* 96 U.S. 727 (1878); "Congress and the Mails," *NY Times*, June 8, 1878.

³¹ Post, "Lawyers' Ethics," *Unity*, October 29, 1928.

³² Frank Luther Mott, *American Journalism, A History: 1690-1960* (New York: Macmillan, 3d ed., 1962), 502.

summer of 1873, his “old time country printer’s ambition to become a second Horace Greeley” suddenly overcame his good judgment. He not only served during the emergency; he stayed on for three years at an annual salary of \$1,800.³³

Near the end of the presidential campaign of 1880, *Truth’s* editors accused the Republican candidate, James A. Garfield, of lying when he denied that he had written a politically damaging letter. *Truth’s* circulation immediately ballooned to about 300,000, but it soon returned to normal when gleeful competitors printed the letter in question beside one known to be in Garfield’s hand. The editors finally admitted they had been hoodwinked by a forger. *Truth* had accepted, as genuine, a note other papers had summarily rejected.

John I. Davenport, Post’s uncle and the election commissioner who investigated the irregularity, contended Post “did, or allowed to be done, acts which no lawyer should have done who cared aught for his reputation.” Post was, he charged, responsible for the “coarseness and brutality in [*Truth’s*] editorial columns” and the “unfair” way in which the paper had handled the matter.

Perhaps Uncle John had not forgiven his nephew for his resignations from the Republican Party and from the position in the district attorney’s office Davenport had obtained for him. In his analysis, Davenport criticized Post, who had been a Republican, “but subsequently suffered a chronic attack of bitterness toward the party . . . and its leader.” Writing thirty years later, Post admitted he had not observed a proper standard of professional ethics during the affair. An alert politician, Davenport published his version of the dispute in time to help Republicans in the presidential election of 1884. Post’s lame rebuttal, in the form of an article in the *Twentieth Century Magazine*, would not appear until 1911, well after his uncle’s death.³⁴

Davenport’s characterization of Post was a fair assessment: “a bright and intelligent young lawyer, who was afflicted with constitutional laziness, was lacking in steadiness of purpose, and was running over with all manner of idiosyncrasies upon the subject of labor, land, greenbacks, religion, and politics.”³⁵

Post’s intelligence was never in doubt and he freely acknowledged that his dislike of hard physical labor had been a major reason for leaving the farm. His continuing financial difficulties long after the depression of the 1870s and his vacillation between law and journalism were evidence Post, at age thirty-one, had no certain goal. His ideas, as they were expressed in his editorials for *Truth*, alarmed businessmen as well as fellow lawyers and puzzled family members other than his wife. He was no less eager and talented ten years after passing the bar, but it was clear to all he had not yet found a career in which he would likely excel. His early confidence was beginning to dissolve into self-doubt.

“Josh” Hart occasionally speculated in stocks and in 1882 he joined an alliance with Jay Gould. Hart told Post to support Gould’s schemes in *Truth*. Post did not object when Hart used the financial section to promote such mischief, but the editor resigned when Hart insisted that Post insert misleading items in the news columns and editorials. Post

³³ Post, “The Greatest Forgery in American Politics,” *Twentieth Century Magazine*, IV (July 1911), 316.

³⁴ Post, *The Prophet of San Francisco: Personal Memories and Interpretations of Henry George* (New York: The Vanguard Press, 1930), 20-21, and “The Greatest Forgery in American Politics,” *Twentieth Century Magazine*, IV (July 1911), 318, 329, 331-32; John I. Davenport, *History of the Forged Morey Letter* (New York, 1884), 21, 23-24, 124-25; Herbert J. Clancy, S.J., *The Presidential Election of 1880* (Chicago: Loyola University Press, 1958), 233-39, 251-52.

³⁵ Davenport, *Morey Letter*, 124.

terminated his affiliation with *Truth* for the same reason that he had left the Republican Party: he was unable to follow certain orders in good conscience.³⁶

Post then opened with Charles Frederic Adams a law office in New York. He and Adams were unlikely to succeed, since both preferred to explore broad philosophical issues rather than to attend to the minutiae of the profession. Post would recall in 1914, it was a “law practice less absorbing than agitation for social justice.”

Louis F. Post’s association with the penny newspaper, *Truth*, and its affinity for the labor movement brought the lawyer some new clients, including the Central Labor Union (C.L.U.) of New York City. Between his work at *Truth* and his talks to members, Post soon gained a reputation among workers in New York as an effective writer and speaker on labor’s problems. Sympathy for and an association with unions during their controversies with employers lessened Post’s chances of representing corporate clients, the most lucrative legal business.³⁷

The just-formed C.L.U. was a loose federation of fourteen individual unions. The members were, for the most part, Irish Catholic or Bohemian and German Protestant immigrants. Some of the leaders of the C.L.U. were German-speaking socialists who were generally more radical in their outlook than the wage earners whom they sought to represent. But the socialists themselves could not agree on the effectiveness of such tactics as “boring from within” labor organizations like the C.L.U. and its member unions, developing a separate political party, and, the most dramatic but least popular option, resorting to violence. The phrases, “labor movement,” “organized labor,” “labor federation,” and “central labor union,” implied a level of consensus that was more a goal than a description of reality.³⁸

About half of the C.L.U.’s members belonged to the Knights of Labor, then a growing national union and second only to the C.L.U. in importance among labor organizations in New York City. The Knights’ leadership in the 1880s usually opposed strikes and focused instead on broad social reform that would elevate “honest toil,” relieve the “suffering of the masses,” and eliminate “wage slavery” in the name of “justice.” Historian Norman Ware contended that the Knights were “serious-minded, highfalutin, sentimental, a little ridiculous, but engaged on a crusade of some sort which in some way seemed to them important.” On the other hand, the Knights had in late 1882 a list of fifteen objectives. For instance, they wished to establish state and national Bureaus of Labor Statistics in order to document working conditions, to obtain equal pay for men and women, and to outlaw the practice of employing children under age fourteen. They also included a vague goal: “secure to the toilers a proper share of the wealth that they create.” A few in the C.L.U. were affiliated with the comparatively weak Federation of Organized

³⁶ Post, “Life,” 194.

³⁷ Post, “The United Labor Party,” *The Public*, November 3, 1911, 1126-67; Arthur Nichols Young, *The Single Tax Movement in the United States* (Princeton, NJ: Princeton Univ. Press, 1916), 92-93; Charles Albro Barker, *Henry George* (New York: Oxford Univ. Press, 1955), 458-59; Peter A. Speck, “The Single Tax and the Labor Movement” (Ph. D. dissertation), *The Bulletin of the University of Wisconsin*, VIII (1914-17), 268-85; Stanley N. Grob, *Workers and Utopia* (Chicago: Northwestern Univ. Press, 1961), 163-164.

³⁸ Post, “Life,” 194, “John S. Crosby—A Reminiscence,” *The Public*, XVII (March 13, 1914), 245, and “The Coming revolution,” *The Voice of the People* (New York), January 7, 1883; Peter A. Speck, “The Single Tax and the Labor Movement” (Ph. D. dissertation), *The Bulletin of the University of Wisconsin*, VIII (1914-17), 270-74; Ira Kipnis, *The American Socialist Movement, 1897-1912* (New York: Columbia University Press, 1952; reprint, Westport CT: Greenwood Press, 1968), 6-11; “Labor Organizations,” *Appleton’s Dictionary of New York and Its Vicinity*, (New York: D. Appleton, 1898), 146-148.

Trade and Labor Unions, a forerunner of the American Federation of Labor. Both the F.O.T.L.U. and the A.F. of L. stressed measures, especially strikes, that they believed would raise a worker's standard of living. Their members had become impatient with the Knights' idealism, accepted the wage system as it existed, and demanded immediate relief in the form of higher wages and shorter hours³⁹

Its full name was the "Central Union of the Trades and Labor Organizations" of New York and vicinity. The latest additions inducted in March 1882 brought the dues paying membership, at least on paper, to forty-six. Delegates also discussed a proposal for a monster parade on Decoration Day (today, Memorial Day). Opponents of such an outdoor event suggested a mass meeting in Cooper Union, a venue that was commonly available without charge, if there were no mention of political parties or their candidates. The chair appeared to have settled the matter. "We will pay our way and speak our minds!" However, no such mammoth demonstration of unity occurred that spring. At the next meeting the delegates did agree to support a call from the printer's union for a mass meeting to take place the following night. The C.L.U. paid for an ad which appeared on Monday, May 15, 1882 in the *New York Sun* and other papers, in which it asked "every friend of labor" to attend a "mass meeting" that night at Cooper Union to protest the City Printer's hiring of "CHEAP LABOR." Delegates on May 31 called for a second mass meeting; this gathering was to take place on Monday, June 5 at Cooper Union in order to protest the new penal code, for legislators had ignored the demands of the C.L.U. By middle June, however, the delegates were busily making plans for a gigantic parade and "pic-nic." Some 20,000 tickets would be distributed to participating affiliates for sale to their respective members, thus giving their officers, whose treasuries retained the proceeds, a financial incentive to promote the affair. The numerous protests in 1882 had evolved from packing a hall at night to a vision of thousands partaking of a festive outdoor celebration, one that would be preceded by a parade and last into the evening. Union members, despite wages lost, could enjoy a full day of rest with their families and still impress the general public with the combined strength of their organizations.⁴⁰

Post was one of three "official reviewers" on September 5, 1882 at the "Mammoth Festival, Parade, and Pic-Nic" in New York City that would become in 1894 a national Labor Day. John Swinton, a socialist, and Peter J. McGuire, national secretary of the Carpenter's Union, shared the "official" designation with Post, but there were several others on the reviewing stand.⁴¹

The celebration took a form common in European folk life: an impressive ceremonial procession, an outdoor gathering of families, hearty food and drink, stirring speeches, and such high-spirited activities as band music and dancing. Estimates in the papers varied widely, from 10,000 to as many as 20,000; the *Sun* guessed about 12,500 passed by. Some twenty bands played spirited anthems; slogans on the banners carried by the workers ranged from generalities, "All Men Are Alike and Equal," to the specific, "Pay

³⁹ Testimony of Robert D. Layton, Grand Secretary of the Knights of Labor, February 6, 1883, *Report of the Senate Committee Upon the Relations Between Labor and Capital* (Washington, DC: GPO, 1885), 2.

⁴⁰ *NY Sun*, "Organizing the Trades," March 27, 1; "Work of the Trade Unions," 1 and "Mass Meeting," 4, May 15, 4; "Labor Matters," May 29, 1; "The New Penal Code," May 31, 1; "The Labor Interest," June 12, 1882, 1; Jonathan Grossman, "Who Is the Father of Labor Day?," *Monthly Labor Review*, v. 95 (September 1972), 3-6, and *Labor History*, v. 14 (Fall 1973), 612-623.

⁴¹ Post, "Life," 189-191; printed flyer, "Demonstration of Labor, Tuesday, September 5, 1882"; Barker, *George*, 459; "Henry George in London," *NY Sun*, September 6, 1882, 1.

No Rents.” When marchers adjourned to public parks to enjoy lunch and oratory, over a hundred heard Post, Swinton, and McGuire speak. The presence that week of delegates to the annual meeting of the General Assembly of the Knights of Labor and sunny weather helped boost the turnout. Most participants believed the Festival was a grand success.⁴²

Matthew Maguire, Secretary of the C.L.U. and, along with Peter J. McGuire, one of the principal organizers of the first demonstration in 1882, rode in the lead carriage with the grand marshal. He was a delegate from the Brooklyn Knights of Labor and had asked Post to join that organization. Characteristically, Post felt he must decline because he knew that its by-laws specifically excluded four suspect classes: “lawyers, doctors, politicians, and liquor dealers.” The leadership decided that Post was “not enough of a lawyer to hurt” and issued, without his knowledge, a card in his name. They backdated it to September 5, 1882 in order to commemorate his role in the first Labor Day festivities, but somehow neglected to inform Post. He would not learn of the honor until 1918.⁴³

Post readily admitted, the “inherited greatness and responsibility which the future seemed to hold in store for me” had not been realized. Even though he exuded confidence and optimism when he talked of the final triumph of democracy, Looie was uncertain of his own abilities and feared that his personal contribution would be of no significance. Doubts about his self-worth were reinforced by his belief that he was falling short of his potential. Failing to get on as he anticipated, Post began to ridicule his youthful expectations. “In those unbalanced circumstances [of being an only child without playmates my own age], I acquired an absurd sense of personal superiority to come in the course of years, not from achievement, for I hadn’t the slightest ability or ambition to achieve, but miraculously with increasing age.”⁴⁴

His sweeping statement was, on the whole, accurate. Following the departure of Charles Frederic Adams for work with the federal government in Washington, D.C., Post joined in April 1883 with Charles Ralph Evans to form Evans and Post. As he spent more time on Georgist affairs, Post devoted less to the practice of law. The partners acknowledged in September 1885 the fledgling law firm was insolvent. Its liabilities amounted to about \$3000, while its only significant asset, beyond office furniture and sundry minor receivables, was an unpaid billing of \$7,000 for services rendered in a trademark case. During its suit against the client over the disputed fee, Evans and Post was kept afloat by moneys advanced by Post’s father through his warehouse business in New York City. That firm, Post and Blanchard, paid some \$3000 to Evans and Post in exchange for the partnership’s assets, including any funds recovered in the \$7,000 lawsuit. On its face, the agreement offered Post and Blanchard a profit, if the defaulting client would settle for fifty cents on the dollar or more.⁴⁵

Only after the law partnership had disbursed the money to its creditors, did father and son learn Evans had secretly transferred to his wife the partnership’s interest in the

⁴² “Under Labor’s Banners” *NY Sun*, September 6, 1882, 6; “The Cause of Labor, The Grand Demonstration at New York, Revolutionary Mottoes,” St. Paul, MN *Daily Globe*, September 6, 1882; Hartmut Keil and John B. Jentz, eds., *German Workers in Chicago: A Documentary History of Working Class Culture from 1850 to World War I* (Urbana, IL: University of Illinois Press, 1988), 10-11.

⁴³ Post to Terence V. Powderly, May 24, 1918 and Powderly to Matthew McGuire, October 17, 1882, Powderly Papers, The Catholic University of America.

⁴⁴ Post, “Life,” 28; Post, “Journal,” October 15, 1925, Post Papers, LC.

⁴⁵ Testimony of Louis F. Post and his father, Eugene J. Post, “Blanchard and Post v. Evans,” *NY Supreme Court, Cases on Appeal: General Term—First Department*, (New York: Martin V. Brown, 1887), 3-25.

\$7,000 claim against its client. The warehouse company sued Mrs. Evans, claiming fraud and collusion with her husband, but lost both the suit and their appeals all the way to the state supreme court. His father saved Looie from the public embarrassment of a bankruptcy, but at a cost of \$3,000 and the expense of outside legal counsel. Looie's reduced circumstances seems not to have been known outside his immediate family.

Post finally gave up his active engagement in law during 1891 to serve full time on Henry George's *New York Standard*. Once that publication folded, Looie discussed his loneliness and futile search for new opportunities with George. They talked of his getting away from reminders of his wife's long struggle with tuberculosis and her recent death. Switching to a related vocation outside of New York City seemed to be his best option. At George's suggestion, he now embarked on what would prove to be a three-year stint on the lecture circuit. The tour also was the beginning of a twenty-year dependence upon the financial support of wealthy supporters of George.⁴⁶

In the spring of 1893, he was occasionally billed as the "official Lecturer of the Single Tax Party and the Apostle of Henry George." Post's first trip was successful enough to warrant making plans for a more extensive canvass in the fall. He delivered a paper on political economy in August at the single tax conference at the Chicago World's Fair and began his second tour in upper New York during October. He crossed into Canada and circled back through New England. He stopped long enough in Orange, New Jersey to marry Alice Thacher on December 2, 1893.

The bride and groom spent the rest of the month along the Atlantic seaboard and ended the year in Virginia. They made their way across country to California by rail, following the southern route. The Posts in 1894 and 1895 covered the states along the northern route and in the Rocky Mountain west. She addressed groups of women and offered an explanation of George's philosophy adapted to the special interests of her listeners.⁴⁷ After ending the lecture series, Louis and Alice performed editorial work for papers affiliated with George men.⁴⁸

While his association with George gave direction to his life, marriage to Alice Thacher set the tone of Louis' dedication to George's principles. Louis had met her when, five months after Anna's death, she attended in Brooklyn his debate with socialist Daniel De Leon. Alice was then writing editorials for the *Messenger*, a monthly published by followers in America of the Swedish scientist and mystic, Emanuel Swedenborg (1688-1772). Alice and three others edited the *New Earth*, a journal which introduced George's ideas to Swedenborgians.⁴⁹

She also furnished emotional support to Louis during his lapses, which were now bordering on clinical depression. He would recall, "From Alice, early in our intimacy, I

⁴⁶ Post, "Life," 247; Barker, *George*, 589.

⁴⁷ Post, "Life," 247-249; note on "Unfinished Primer of Political Economy," September 6, 1927, Post Papers, LC; "Address Before the Single Tax Conference, August 1893 (Chicago, IL)," reprinted in "Social Ills and Their Remedies" by B. C. Stickney, *Locomotive Fireman's Magazine*, XVIII (1894), 239-47; and "The Single Tax Discussed Before the Students of the University of Michigan by Louis F. Post, . . ." (Ann Arbor, MI: mimeo, n. d.), Michigan Historical Collection, University of Michigan; Barker, *George*, 589.

⁴⁸ Portner, *Post*, 131-34 cites: University of Michigan *Daily* (Ann Arbor), January 26, 1894; Cadillac MI *State Democrat*, January 31, 1894, Adrian MI *Daily Times*, January 27, 1894; Detroit *Tribune*, January 29, 1894; Detroit *Free Press*, January 29, 1894, Des Moines *Saturday Review*, March 3, 1894.

Clippings of the *Single Tax Courier* in the Post Papers, LC contain letters written by the Posts on the lecture tour.

⁴⁹ Portner, *Post*, 133-35.

got to thinking of their having spiritual causes.” She thought that he suffered from “evil influences” and recommended a Swedenborgian cure. He was not always able to “enjoy” his dark moments as she suggested, but he did try to limit each day’s “gloom to its own compartment” by concentrating on the work immediately before him.⁵⁰

Post always had a strong feeling of dejection, which was in direct conflict with his early optimistic view of his future. In his memoir, Post explained his unusual thought process when a child: On the farm, “I never approached a hen’s nest without trying to picture it in my imagination as empty of all but a ‘nest egg.’ I did so because I had acquired the notion that I was born for disappointment, a notion that haunted me all my life. In trying to imagine empty nests, I was inspired by the thought that if I expected to find eggs there, I would be disappointed unhappily.” If, on the other hand, “I expected to find none, I would be disappointed happily.”⁵¹

His strong loyalty to “right principle” complicated the battles between Post’s optimistic and pessimistic sides. When ruminating after making controversial decisions in the course of his work with the Republican Party and *Truth*, he usually chastised himself for not adhering to the highest standard, one which he had set. He tended to be overly critical of his performance in difficult situations and thus leaned toward the somber aspect of his nature. These intervals of sadness gradually increased in frequency and duration.

Much of Post’s inability at age forty-three to accomplish what he expected can be attributed to his spells. Throughout his life, he experienced periods, lasting from a few minutes to several days, when he could not carry on his usual intellectual activities. They never seemed to be linked to a specific, identifiable disappointment and faded as mysteriously as they appeared. During an especially severe episode in his later years, Post would begin to suspect that he was afflicted with a “constitutional imbecility.”

Since 1891, Post had maintained his license to practice law in the State of New York and before the United States Supreme Court. After leaving the Department of Labor in March 1921, he hoped to be hired from time to time by one or more law firms. Even though he was an expert in administering some labor and immigration laws, especially at the departmental level, his phone did not ring.

A year later, Post described his anguish and reflected on its possible causes:

“Wednesday, August 30, 1922. I have just come out of one of those joy-rides in Hell with which at infrequent intervals I have been afflicted all my life. In the course of this one I had a realization, as it still seems to me, of the nature of this experience such as I have never had before, and while my memory of the experience is still fresh, I shall try to put my impression down upon paper.

“I used to call these experiences ‘fits of blues.’ They would come upon me suddenly, last a few minutes or a few hours, sometimes several days, and they pass off as suddenly as they had come. Usually there would be no cause for them so far as I could see, and I always thought of them as unaccountable. In this respect they were different, as they were in other respects, from mental depressions due to disappointed expectations or other like causes, such as I suppose most people have and as I was by no means unfamiliar with. . . . But if I am right in my present impressions [*sic*] they are mental or physical or both, rather than in any sense spiritual.

⁵⁰ Post, “Life”, 245-47, and *Prophet*, 50; Barker, *George*, 583-84.

⁵¹ Post, “Life,” 14.

“Several days ago I had one of these unhappy experiences which seems to me to have been especially virulent. I am inclined to attribute it to the weather, which was very depressing, and some degree also to reaction from a long and somewhat exacting piece of writing which I had been doing and only recently finished. It passed away completely and for more than a week I enjoyed life about as well as one who doesn’t know what the so-called ‘joy of life’ means, could hope to outside of some perfect Heaven.

“While in this comfortable frame of mind, I went . . . to call upon some of our immediate neighbors, our call on Monday night last being upon Dr. Woodard, [a physician]. During this call the subject of constitutional defects of mentality came up, and Dr. Woodard described some kinds with their observable characteristics. In the course of these descriptions I recognized characteristics of my own, but was indifferent because I have long considered the science of mental defectiveness of the constitutional sort as itself defective—absurdly so in many respects. So I participated in the conversation as an interested inquirer, getting every now and then a jolt which didn’t jolt me, and went home . . . as normal as I have probably ever been.

“The conversation left no impression upon me other than such as I have had from many conversations on the subject, an impression of the absurdity of certain psychopathic theories. Never before had I got any impression of the applicability of these theories to myself, but the impression in this instance did not disturb me. I was in as complete possession of all the good humor that my disposition can absorb—quite normal in my thinking and feeling all that night and until breakfast the next morning.

“But while [Alice and I were clearing up breakfast,] I asked her what Dr. Woodard’s father had told her about grape-raising the night before, [since I] overheard part of their conversation and caught this feature of it. She was thinking of something else and put off my question by saying that there was a good deal of detail about Dr. Woodard’s explanation of grape culture and that I wouldn’t understand, for I never had when it had been explained before.

“The last sentence, acted upon me like a touch of a trigger would upon a cocked pistol. I went instantly off on my latest ‘blue,’ or ‘mood,’ or ‘trip to Hell.’ There was nothing in her manner to account for this. It was normally affectionate, and entirely free from even the slightest impatience. Nor could its effect upon me be accounted for by the words or their reasonable indication, for she had often said, what I knew without her saying it, that while I have no difficulty in understanding important matters, I do not readily grasp minute details; yet I had never been affected as I was on this occasion.

“It was not what she said, but the influence of what she said upon my recollection of my talk the night before with Dr. Woodard on constitutional defects of mentality that seemed to plunge me into my two day’s junket in Hell. I remember thinking that it was true that I did not readily grasp minute details, and then in an instant Dr. Woodard’s explanations rushed into my thought. The mere matter of grape culture details was forgotten. So was all thought of my incapacity for grasping details and remembering them and their relations.

“It was what Dr. Woodard had said that filled my mind in a way that such explanations had never before assumed. In a few minutes I was saying to myself, in the mood I floundered in, that probably it was true that a streak of constitutional imbecility possessed me. Then my memory went back to Croasdale, [the managing editor of the *Standard*], who often said in my hearing that I was an enigma to him, because I was one

of the brightest men of his acquaintance and with one of the clearest minds, and yet once in a while I would say or do the most absurdly imbecile thing imaginable. I had always recognized the truth of what he said so far as the breaks were concerned, but attributed them to indolence or to speaking or acting before thinking. Others of my intimate friends had been as observant as Croasdale, though less candid, but I knew how they felt from their friendly discrimination when things were to be done. In respect of them also I had no tendency to regard myself as abnormal. That idea never entered my head until day before yesterday, when Dr. Woodard's descriptions of constitutional mental defects overcame me with what seemed to be their application to myself.

"For the first time in my life my recurrent moods seemed to be accounted for to myself. The most impressive of his descriptions in that respect was what I think he called excessive egotism is true. I never before thought of it as being excessive, but when I recalled the timidity that is so characteristic of me—mental timidity, timidity of the self-centered sort—I fell into the thought that I might be properly classed as a constitutional defective. My 'mood' was now upon me, I was riding through Hell as joyfully as a mourner at a funeral or a bankrupt at the sale of his property.

". . . I was soaked with a feeling that I belong with the psychopathic defective, and as my memory swept over my life I was confirmed in the consciousness of a streak of congenital imbecility in my mental make-up which I had never sensed before (not in that category) and by which I was doomed to an imbecile old age. The spell began to leave me about noon today, and except for an unnatural weariness, it was gone by four o'clock in the afternoon. I am now in an ordinary state of mind. Yet the impression persists—not as a mere impression but as a legitimate conclusion from a survey of my life and some reflection upon my mental [deficiencies] in comparison with my mental capacities, that probably my last 'mood' had in it the elements of a revelation."⁵²

August 31, 1922: . . . Several times during that obsession I cried like a child, sometimes without tears and sometimes with a moderate flow. Why I cried I could not tell; I could only feel a reason, and that one which defies my ability to explain.

". . . To sum it all up, I seemed to myself to be a different person from what, for instance, I am now. This feeling of far-away-ness of those I love most, as well as the far-away-ness of everybody else, only in less degree of intensity of feeling—of everybody except those that I have any reason for hating if I had not had hate banished from my whole system—is characteristic of these bad spells of mine, so I am still more disposed to fall in with the notion that all of these spells are symptoms of a constitutional mental defect which, to the extent of its influence upon my life, places me somewhere in the categories of imbecility.

"But now that I have escaped, I shall think no more of my last bad spell or of any of its predecessors until another seizes me, and so far as the sane side of me can prevent it, that shall never be again."⁵³

Even though Post exuded confidence and optimism when he talked publicly of the final triumph of democracy, he remained uncertain of his own abilities and feared his personal contribution would be of no significance.

⁵² Post, "Journal," August 30, 1922.

⁵³ Post, "Journal," August 31, 1922.